

**TOWN COUNCIL MEETING
March 18, 2019**

I. ROLL CALL

Town Council Members present:

Michael G. White, President
Mary E. Meagher, Vice President
Nancy A. Beye
Randall White
William J. Piva, Jr.

Also in attendance:

Andrew E. Nota, Town Administrator
Christina D. Collins, Finance Director
Michael C. Gray, Public Works Director
Edward A. Mello, Police Chief
Andrew J. Wade, Parks and Recreation Director
Betsey Anderson, Senior Coordinator
James Bryer, Fire Chief
Howard Tighe, Deputy Fire Chief
Peter D. Ruggiero, Town Solicitor
Cheryl A. Fernstrom, Town Clerk

II. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Town Council President White called the regular meeting of the Jamestown Town Council to order at 6:34 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue, and led the Pledge of Allegiance.

A moment of Silence was observed in memory of Nancy Logan, long-time resident and volunteer, who passed away last week.

**III. TOWN COUNCIL SITTING AS THE BOARD OF WATER AND
SEWER COMMISSIONERS**

The Town Council convened as the Board of Water and Sewer Commissioners at 6:36 p.m. and adjourned from sitting as the Board of Water and Sewer Commissioners at 6:41 p.m. See Board of Water and Sewer Commissioners Meeting Minutes.

**IV. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, PRESENTATIONS,
RESOLUTIONS AND PROCLAMATIONS**

None.

V. PUBLIC HEARINGS, LICENSES AND PERMITS

None.

VI. OPEN FORUM

- A) Scheduled request to address. None.
- B) Non-scheduled request to address. None.

VII. COUNCIL, ADMINISTRATOR, SOLICITOR, COMMISSION/COMMITTEE COMMENTS & REPORTS

A) Town Administrator's Report: Andrew E. Nota
Town Administrator Nota reported on the following:

- 1) Rhode Island Infrastructure Bank in Partnership with the Nature Conservancy

Mr. Nota explained the new grant program for designated resilient communities to fund water pollution projects through Infrastructure Bank.

- 2) Mutual Aid to Support Internet Access in Maintaining Public Safety Communications

Mr. Nota reports on the mutual aid support program to provide redundancy and resiliency for both telephone and internet systems for the Town Hall, Police Department and Fire Department through a cooperative program between the Jamestown IT Department and the Middletown IT Department. Updates will be on future agendas.

- 3) RI League of Cities and Towns Legislative Update

Mr. Nota reports on legislation being introduced at the State House and tracked through the RI League of Cities and Towns. The electronic version has links to the text of legislation with status updates.

VIII. UNFINISHED BUSINESS

- A) Library Rehabilitation Project/Funding Program Presentation: Library Board of Trustees Chair Eugene B. Mihaly and Library Director Donna Fogarty, with acceptance and authorization to proceed; review, discussion and/or potential action and/or vote

Library Board of Trustees Chair Mihaly introduced Library Director Fogarty, Children's Librarian Lisa Sheley, and Architect Mohamad Farzan. They are here this evening to request Council approval of the revised project plan.

Library Director Fogarty gave a PowerPoint presentation on the Library Rehabilitation Project noting increased use of the Library facilities – over 56,000 visitors in 2010 and over 114,000 visitors in 2018. The Trustees conducted a needs assessment and community-wide survey that revealed the needs of the Library going forward as follows:

- Adult space with quiet area
- Young Adult space

- Children’s space with storage
- Staff work space
- Local History collection relocation
- Building updating to support modern electronic usage
- Space for meetings and community events

Discussion involved the plan that meets the needs outlined and provides library patrons with a safe, clean, comfortable space in which to read, check out books, attend programs, use a computer, meet with friends, attend educational sessions, and more. The plan includes an expansion of 1,700 square feet to the existing facility and refreshing the current interior.

Council comments.

Councilor Beye expressed concern for the safety of children exiting the Library into traffic. Architect Farzan explained the new plan to redirect foot traffic, slow it down, and provide greater safety when exiting the building.

Councilor Piva asked about the usage by patrons and how it is tracked. Director Fogarty explained the integrated system that tracks the number of patrons accessing the library. Visitation has increased from the new playground, summer camps, and seasonal visitors.

Vice President Meagher commented on the needs assessment and noted that design takes time. This is a lovely plan that meets the needs of the community and staff. Director Fogarty noted the Town has evolved and this plan meets the needs of today.

Trustees Chair Mihaly stated a public forum is planned for March 28th at the Library. An overview of the capital campaign being launched in April and the grant application process to raise the funds for completion of the expansion addition and renovations proceeded.

A motion was made by Vice President Meagher with second by Councilor Beye that as a Council we support and approve this renovation plan and wish you the best of luck as you seek additional funds. The Town has shown you a big sense of support with the overwhelming vote on the Bond last year, and we want to work on that to continue with the improvements to the Library. President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.

- B) Employment Status (contract versus employee) and possible reclassification of paid full-time and part-time members of the Jamestown Fire Department, in accordance with IRS requirements; review, discussion and/or potential action and/or vote

Town Administrator Nota referenced ongoing discussions with the Fire Department command staff as 1099 contractors evolve to Town employees. The Town is ready to make a recommendation that the JFD migrates to become a true Town department. If the Council is comfortable moving in that direction, contract employees would move forward as of July 1st. The Town will handle issues of benefit eligibility and compliance.

Fire Chief Bryer noted agreement with Town Administrator Nota and stated JFD acts as a Town department. Discussion ensued of administrative responsibilities, going forward and associated costs, structure of the department, volunteers, and attracting and compensating qualified workers.

Council members commented this makes sense going forward. Councilor Piva asked how JFD would function differently. Chief Bryer answered there would be changes to policies and procedures and Bylaws, fewer elections, and appointments based on qualifications. President White noted the structure in place and employees would be required to perform specific duties. Vice President Meagher noted ALS has raised the quality of the department. Discussion ensued of recruiting qualified workers and that restructuring would attract the staff needed.

A motion was made by Vice President Meagher with second by Councilor White to support this effort to clarify the whole organizational chart and the next step will be to see an organizational chart of the Fire Department. President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.

- C) One-Year Lease Renewal/Extension, with option for a second year, for management of the Jamestown Golf Course; review, discussion and/or potential action and/or vote

Town Administrator Nota gave a synopsis of historical points to clarify the issues. Under consideration is a one-year lease agreement extension (to the 2007 lease) in order to operate the course until a long-term agreement is developed (5 to 10 years). The Town owns the golf course, which is operated by Mr. Mistowski. Annual lease cost is \$175,000, with \$150,000 allocated to the General Fund and \$25,000 to the Capital Fund. In 2013 Architect Bill Burgin was hired to design a new Club House at a cost of \$143,000, with an additional \$149,000 needed to bring the project to 100% design with construction documents. The estimated cost for the \$2.9 million Club House Bond is \$52,000 in interest the first year, with principal and interest of \$217,000 per year for the next 20 years. This amount is not covered by the lease.

Major challenges that caused disruption of 2018 operations were noted, including resurfacing the greens. The Town covered the cost of sod (\$52,000), with installation performed by the operator (\$50,000), and the lease payment reduced to \$43,750 as compensation. The Town paid to rebuild the irrigation pump (\$10,000). The next pressing issue is improvement to the irrigation system estimated at \$55,000 to the Town for equipment and installation costs of \$75,000. Completion of the greens will cost the Town an additional \$160,000 to \$200,000, with installation by the operator. Additional work required include cleaning of the effluent pond and CRMC Assent for two freshwater ponds at a cost of \$100,000 to \$150,000 to the Town. Total cost to complete implementation of the golf course plan is \$400,000 to \$500,000, taking two to four years to complete. These issues make it difficult to map out a ten-year plan. Discussion ensued of negotiations to

reduce the annual lease by \$50,000 to \$125,000 over five years, and back to \$175,000 for years six through ten.

Mr. Nota outlined ongoing negotiations and communications with the operator, with prior and present legal counsel, including numerous emails and telephone conversations, regarding a long-term agreement. A one-year agreement is needed to continue, and discussed was a lease reduction from \$175,000 to \$100,000, tied to the irrigation plan. Mr. Nota's recommendation is to support that concept based on the operator's cost for installation of the irrigation system, to be made up in the long-term agreement.

The operator's legal counsel provided a document outlining negotiation discussions that contained language not discussed mandating the Town work towards a ten-year lease agreement within 30 days, and if unsuccessful in securing an appraisal and negotiating a long-term lease within that time, the Town would sustain an additional \$5,000 reduction per month to the lease payment. The Town was working towards an appraisal for this spring for comparison, with all relevant information ready by July, so that good-faith negotiations could continue. If negotiations were unsuccessful, this would be brought back to the Council for alternative options, including acceptance of Mr. Mistowski's proposal, proceeding to RFP to see what the market would bear – including hiring industry professionals to operate a municipal golf course (like North Kingstown) – or if the property is devalued as indicated by Mr. Mistowski, determine a higher use for the golf course property for recreational activities. Mr. Nota proposes to support a one-year agreement with clarification on the irrigation system, commitment on materials, and reduction of the lease amount based on installers costs.

Discussion ensued of the conditions outlined in the one-year lease extension agreement prepared by Attorney Infantolino for the operator. Attorney Infantolino stated his client needs a time-certain in the short-term to secure a long-term agreement. Discussion ensued.

Solicitor Ruggiero stated the only thing before Council this evening is the one-year extension. Lengthy discussion ensued. The operator's appraisal for the 75-acre golf course property was \$57,300 per year for the lease and \$1.5 million valuation for the land and improvements. The 2019 statistical revaluation for the property reflects a value of \$3,121,900. Mr. Mistowski invited Council members to tour the golf course to see first-hand what is needed. Lengthy discussion ensued.

Solicitor Ruggiero recommended continuing this for two months and put this back on the agenda for signing of an agreement. Mr. Mistowski commented an agreement is needed and we are two weeks before golf season. Town Administrator Nota commented on course repairs, including investment of time, manpower, and monetary resources to repair the greens. Until Monday no information was provided by the operator. There is an aura of cooperation. If a one-year extension can be established, in two months the Town will have context on the value of the lease.

President White asked if the time certain can be changed to 60 days to May 18th. Mr. Mistowski asked what happens if there is no agreement in 60 days. President White stated once the extension is signed, it commits the Town to the irrigation system improvements. Vice President Meagher gave a synopsis of Council support and commitment to the golf course and the Mistowski's, and this negotiation should move forward.

Peter Coble of Narragansett Avenue commented on the USGA opinion it would cost \$50,000 to repair each green. The Mistowski family has made this nine-hole golf course one of the best in New England, puts their all into the course, and it would be a shame if an agreement cannot be reached.

President White commented on the one year extension and time certain for the ten-year lease agreement, as it may take time to get an appraisal. Town Administrator Nota requested until May 20th to report back with an appraisal so that we have a value for the lease in order to finish negotiations and have a date certain for a long-term agreement. Attorney Infantolino commented he has been on board since February and doesn't know what other numbers are needed to move forward.

Mr. Nota stated we have compromised, had an agreement, and then received the tenant's demands to the landlord for an agreement in 30 days. Councilor White stated we have an impasse, but 30 days is unreasonable and he can't vote on anything that he can't explain to the taxpayers.

Bill Reardon of Frigate Street stated he is a golfer and the finger pointing needs to stop. The golf course is wonderful and the Mistowski's have done an amazing job. President White noted the Town did not do an appraisal as one was being done, we have a group of people negotiating for a one year extension, and he is willing to agree to the extension with the assurance of the Town Administrator there is completion of the information gathering within 60 days.

A motion was made by Vice President Meagher with second by Councilor Piva to agree to extend the lease for one year with the agreement of the Town Administrator that there will be some sort of decision and information gathering completion within the next 60 days.

Discussion. Would there be something that gives assurances on the greens. The Town pays for the greens but does not maintain the greens, the irrigation work is in the lease, Condition No. 4 is stricken and revised to reflect 60 days, and this issue is continued on Council agendas for updates.

Back to vote on the motion. **President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

Mr. Mistowski would like the Council to tour the Golf Course this week and was informed this will be coordinated through Clerk.

- D) Upcoming Meetings and Sessions – dates and times
 - 1) Town Council Meeting Schedule: April 1st, April 15th, May 6th and May 20th at 6:30 p.m.; review, discussion and/or potential action and/or vote
 - 2) Budget Work Sessions for FY 2019-2020: Capital Budget Hearing, March 19th; Town/School Committee Budget Hearing, March 21st (Lawn School Cafeteria); Operating Budget Hearings, March 25th and April 2nd; Budget Review Hearings, if needed, April 4th, April 8th, and April 11th; review, discussion and/or potential action and/or vote

Town Administrator Nota commented the complaints before the Board of Elections are continued to April 2nd, the same night as the Operating Budget Hearing and Work Session, and suggested moving that session to April 4th to allow attendance at the BOE meeting. Council members prefer to keep the current budget session schedule. Solicitor Petrarca will be attending that meeting.

IX. NEW BUSINESS

- A) Appointment of Betsey Anderson as Director of Senior Services for the Town of Jamestown; review, discussion and/or potential action and/or vote
- Town Administrator Nota commented on the Town Council’s decision and vote to approve his recommendation to formulate a Department of Senior Services with a full-time Department Director. He asks the Council to affirm his recommendation to hire Betsey Anderson to that full-time role as Senior Services Director for the Town.

Vice President Meagher read a portion of the Town Administrator’s recommendation letter that she feels needs to be repeated.

A motion was made by Vice President Meagher with second by Councilor Beye White to approve the appointment of Betsey Anderson as Director of Senior Services.

Discussion. Council asked if there would be a set up at the Senior Center for the Director. Town Administrator stated this will be the first subject for discussion.

Back to the vote on the motion. **President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye. (Applause)**

- B) Award of Bid for Shared Use Path/North Reservoir Property: Supply of Pre-Engineered Timber Bridge to Western Wood Structures, Inc. for an amount not to exceed \$48,780.00, as bid, as recommended by Public Works Director Michael C. Gray; review, discussion and/or potential action and/or vote

- C) Award of Bid for Shared Use Path/North Reservoir Property: Supply of Precast Modular Block Retaining Wall System to J & R Pre-Cast for an amount not to exceed \$49,177.50 using the Split Limestone Block, as bid, as recommended by Public Works Director Michael C. Gray; review, discussion and/or potential action and/or vote

Public Works Director Gray explained the two bids for the bridge crossing portion of the bike path, his recommendation for the bid awards, RIDEM grant for \$400,000, displayed pictures of what the bridge crossing will look like upon completion, and gave a synopsis of the history of the Bike Path project.

A motion was made by Vice President Meagher with second by Councilor White to approve the two bids, the first is to supply the Pre-Engineered Timber Bridge to Western Wood Structures, Inc. for an amount not to exceed \$48,780.00, and the second to J & R Pre-cast for an amount not to exceed \$49,177.50 for a Precast Modular Block Retaining Wall System. President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.

- D) Town Council authorization to begin the appointment process for One (1) Board of Canvassers Member and One (1) Board of Canvassers Alternate Member, for the Two (2) Six-year terms expiring March 2025, pursuant to RIGL § 17-8-1 and RIGL § 17-8-2; review, discussion and/or potential action and/or vote
- 1) Memorandum of request of Board of Canvassers Clerk Karen Montoya to contact the Jamestown Democratic Town Committee and the Jamestown Republican Town Committee to solicit a list of qualified individuals for Town Council consideration to fill the Board of Canvassers Full Member vacancy and to contact the Jamestown Democratic Town Committee to solicit a list of qualified individuals for Town Council consideration to fill the Board of Canvassers Alternate Member vacancy
 - 2) RIGL § 17-8-1 and RIGL § 17-8-2

A motion was made by Vice President Meagher with second by Councilor Beye to authorize the Board of Canvassers effort to appoint new members to the Board of Canvassers. President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.

X. ORDINANCES, APPOINTMENTS, VACANCIES AND EXPIRING TERMS

- A) Ordinances
- 1) Proposed Amendment of the Jamestown Code of Ordinances, Chapter 78 Waterways, Article II. Harbor Management Ordinance, Sec. 78-22 Definitions; Sec. 78-23 Areas Under Jurisdiction; Sec. 78-24 Harbor and Mooring Area Boundaries; Sec. 78-34 Appendix A; review, discussion and/or potential action and/or vote to proceed

to advertise in the *Jamestown Press* March 21, 2019 edition for public hearing on April 1, 2019

A motion was made by Vice President Meagher with second by Councilor White to proceed to advertise and have a Public Hearing on April 1st. President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.

- B) Appointments, Vacancies, and Expiring Terms; review, discussion and/or potential action and/or vote on each listed appointment and/or vacancy and/or expiring term
 - 1) Jamestown Charter Review Committee; Affirmation of One (1) Member of the Town Council to serve as a voting Member, for a period of three (3) months, per Committee Charge
 - a) Randall White

A motion was made by Vice President Meagher with second by Councilor Beye to approve Randall White for that position. President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.

- 2) Jamestown Charter Review Committee; Affirmation of One (1) Member of the Board of Canvassers to serve as a voting Member, for a period of three (3) months, per Committee Charge
 - a) Memorandum of Board of Canvassers Chair Carol Nelson-Lee with nomination for Charter Review Committee Member
 - i) Katherine Wineberg

Vice President Meagher commented she put into this Charge to have a Member of the Board of Canvassers, as they have been the subject of discussion and have a good understanding on what is involved. Councilor Piva asked if Ms. Wineberg's term is one that is expiring. Ms. Wineberg's term is expiring and she has confirmed her interest to continue for another six-year term.

A motion was made by Vice President Meagher with second by Councilor White to approve Kitty Wineberg. President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.

- 3) Jamestown Charter Review Committee; Appointment of Three (3) Members-at-Large to serve as voting Members, for a period of three (3) months, per Committee Charge; duly advertised; interviews conducted
 - a) Letters of interest
 - ii) James Rugh
 - iii) Robert Tormey
 - iv) Sav Rebecchi

A motion was made by Councilor Piva with second by Vice President Meagher to appoint all three gentlemen to the Charter Review Committee.

Discussion. All three brought a lot to the table, are very qualified and are enthusiastic.

Back to the vote on the motion. **President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.**

- 4) Jamestown Affordable Housing Committee (One vacancy with a three-year term ending date of May 31, 2021); duly advertised; no applicants
- 5) Jamestown Fire Department Compensation Committee (One Citizen-at-Large vacancy with a three-year term ending date of May 31, 2021); duly advertised; no applicants
- 6) Jamestown Juvenile Hearing Board (One Alternate Member vacancy with a two-year term ending date of December 31, 2020); duly advertised; no applicants

The search will continue.

XI. CONSENT AGENDA

A motion was made by Vice President Meagher with second by Councilor Piva to approve and accept the Consent Agenda. President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.

The Consent Agenda approved consists of the following:

- A) Adoption of Town Council Minutes
 - 1) March 4, 2019 (interview session)
 - 2) March 4, 2019 (regular meeting)
 - 3) March 4, 2019 (executive session)
- B) CRMC Notices
 - 1) March 2019 Calendar
- C) Abutter Notifications: Notice is hereby given that the Jamestown Zoning Board of Review will hold a Public Hearing on March 26, 2019 at the Jamestown Town Hall, 93 Narragansett Avenue, Jamestown, RI at 7:00 p.m. upon the following:
 - 1) Application of Benjamin Brayton and Amy Barclay de Tolly, Trustees, whose property is located at 30 Battery Lane, and further identified as Assessor's Plat 11, Lot 30 for a variance & special use permit from Article 6, Section 82-600 & 601 Special Use, Article 14, Section 1403(H) Detached Structures, and Article 3, Section 302 Table 3-2 Setbacks, to have an accessory family dwelling unit in a detached structure with a rear yard setback of 33', where 40' is required. Said property is located in a R80 zone and contains 2.51 acres.

- Emergency Response Bill S 0261
- 3) Resolution of the Barrington Town Council Calling on the General Assembly to Pass Enabling Legislation for Municipal Tobacco Licensing

XIII. AGENDA ITEMS FOR THE NEXT MEETING AND FUTURE MEETINGS

- A) Paper streets in Jamestown and water access
 - B) Road abandonment petition discussions (March/April)
 - C) Amendments of Code of Ordinances to Article IV. Stopping, Standing and Parking for parking restrictions (April)
 - D) Town Council Goals and Objectives and Rules and Procedures (April)
 - E) Proposed Water Resources Protection Committee Discussion (April)
 - F) Review and Discussion of Conservation Easement on Shores Lots (March/April)
- Golf Course status update will be on upcoming agendas
 - Committee on Public Art was discussed and Planner Bryer will have a report at next meeting.

XIV. EXECUTIVE SESSION

None.

XV. ADJOURNMENT

A motion was made by Vice President Meagher with second by Councilor Piva to adjourn. President White, Aye; Vice President Meagher, Aye; Councilor Beye, Aye; Councilor White, Aye; Councilor Piva, Aye.

The Jamestown Town Council adjourned the regular meeting at 9:01 p.m.

Attest:

Cheryl A. Fernstrom, CMC, Town Clerk

Copies to: Town Council
 Town Administrator
 Finance Director
 Town Solicitor